

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

PETER KOBOR, individually and on behalf of all
others similarly situated,

Plaintiff,

v.

SKIDMORE COLLEGE,

Defendant.

Case No. 1:23-CV-01392-MAD-DJS

MARY COGAN, individually and on behalf of all
others similarly situated,

Plaintiff,

v.

SKIDMORE COLLEGE,

Defendant.

Case No. 1:23-CV-01409-MAD-DJS

**JOINT DECLARATION OF CLASS COUNSEL IN SUPPORT OF
PLAINTIFFS' MOTION FOR AWARD OF ATTORNEYS' FEES, REIMBURSEMENT
OF EXPENSES, AND SERVICE AWARDS TO CLASS REPRESENTATIVES**

We, the undersigned, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I, John J. Nelson, am a partner at the law firm of Milberg Coleman Bryson Phillips Grossman, PLLC, and am Class Counsel for Plaintiffs and the proposed Settlement Class in the above-captioned action (the "Action"). I am licensed to practice law in the State of California and am admitted *pro hac vice* in this Action. I have personal knowledge of the facts stated herein and, if called upon as a witness, I could and would testify competently thereto.
2. I, William B. Federman, am the managing partner at the law firm of Federman & Sherwood, and am Class Counsel for Plaintiffs and the proposed Settlement Class in this Action. I am licensed to

practice law in the States of Oklahoma, Texas, and New York and admitted *pro hac vice* in this matter. I have personal knowledge of the facts stated herein and, if called upon as a witness, I could and would testify competently thereto.

3. I, Philip J. Krzeski am a partner at the law firm of Chestnut Cambronne PA, and am Class Counsel for Plaintiffs and the proposed Settlement Class in the Action. I am licensed to practice law in the State of Ohio and am admitted *pro hac vice* in this matter. I have personal knowledge of the facts stated herein and, if called upon as a witness, I could and would testify competently thereto.

4. This Court appointed us as Class Counsel pursuant to Rule 23(g)(1) and we make this declaration in support of Plaintiffs' Motion for an Award of Attorneys' Fees, Reimbursement of Expenses, and Service Awards to Class Representatives.

The Work Counsel Performed and the Risk Incurred in this Case

5. Class Counsel have spent significant time and resources prosecuting this case, reaching the Settlement, and administering the Settlement towards final approval.

6. Class Counsel drafted separate class action complaints to initiate this litigation and then worked together to consolidate the related actions and file a Consolidated Complaint.

7. As litigation commenced, Class Counsel conducted settlement negotiations, including drafting of the settlement agreement, notices and claim form; prepared and filed Plaintiffs' Motion and Memorandum of Law in Support of Preliminary Approval of the Settlement; prepared and filed a Supplemental Memorandum in Support of Their Unopposed Motion for Preliminary Approval; and worked with the Claims Administrator and Defendant's Counsel to effectuate notice and administer the Settlement.

8. The Parties scheduled a mediation with the experienced mediator Rodney A. Max and drafted mediation briefs, however on the eve of mediation, the Parties agreed upon the material terms of the Settlement.

9. Once the principle terms of Settlement were agreed upon, Class Counsel and Defendant diligently negotiated, drafted, and finalized the Settlement Agreement, notice forms, and came to an agreement on a claims process and administrator. Class Counsel also drafted, finalized, and filed a motion for preliminary approval.

10. Since the Settlement received preliminary approval, the Parties, in conjunction with the Claims Administrator, have effectuated Class notice consistent with the Settlement and Preliminary Approval Order.

11. Class Counsel has continued to work with Defendant and the Claims Administrator regarding claims administration and processing as well as answering class members questions about the settlement and the claims process.

12. To date, the Claims Administrator has issued notice to the Settlement Class, established the Settlement website, and assisted Class Members with questions about the Settlement and filing claims.

13. Class Counsel's work is not over and will continue throughout the claims period. Based on experience, Class Counsel will spend additional hours seeking final approval, defending the Settlement from potential objections (of which there are none to date), and supervising claims administration and the distribution of proceeds.

14. Class Counsel knew from their initial investigations that this litigation would involve extensive research on challenging and complex legal and factual claims in this unique data security class action. Indeed, data security and data breach cases across the country present novel and complex issues. . Class Counsel was aware that pursuing this case beyond settlement would likely be lengthy and expensive, requiring discovery, briefing, argument, a trial, and potential appeals.

15. This case presented substantial risks and uncertainties that could have prevented any recovery whatsoever. Despite the most vigorous and competent of efforts, success in this contingent-fee litigation was never assured.

16. Among national consumer protection class action litigation, data breach cases are some of the most complex. Data breach litigation is a relatively new area of the law and many of the legal issues encountered in such cases are novel, and, as a result, data breach cases present a significant risk to plaintiffs' attorneys.

17. As a result of Class Counsel's efforts in the face of substantial risks, Class Counsel achieved a significant recovery for the benefit of the Settlement Class.

Experience of Class Counsel

18. Class Counsel have substantial experience in both class actions generally, and complex consumer class actions involving cybersecurity incidents in particular.

19. For details about the experience and qualification of Class Counsel, *see* firm resumes attached as Exhibits 1, 2, and 3 to Plaintiffs' Motion to Consolidate and Appoint Interim Co-Lead and Liaison Class Counsel (ECF Nos. 006-2, 006-3, 006-4).

Counsel's Work in this Case

20. This litigation required extensive time and labor by Plaintiffs' counsel. In total, Class Counsel have spent 247.8 hours on the litigation, totaling \$169,326.90 in lodestar. This total lodestar yields a modest multiplier of 1.15, which is well within the range accepted by courts in the Second Circuit. Also, the lodestar multiplier will ultimately be much lower, and likely negative, once final approval is sought.

21. The fee and expense request also represent just 0.4% of the total value of the Settlement achieved by Class Counsel.

22. Class Counsel was very efficient in their settlement of this matter, working to keep costs and fees to a minimum. Continued litigation would have required hundreds, or perhaps thousands, of hours of work, including briefing and arguing a motion to dismiss, conducting formal discovery, depositions, expert reports, obtaining and maintaining class certification throughout trial, and summary judgment, as well as possible appeals (interlocutory and/or after the merits), which would require additional rounds of briefing and the possibility of no recovery at all.

23. In our opinion and experience, this time was reasonably and justifiably incurred. Although Class Counsel has consistently sought to keep costs and fees to a minimum, this case required a significant amount of work and time.

24. The case involves unsettled law against a Defendant who retained formidable defense counsel—BakerHostetler.

25. A summary indicating the time expended by the partners, associates, and support staff of Class Counsel involved in this litigation is set forth below:

FEDERMAN & SHERWOOD

Name	Title	Rate	Hours	Total
William B. Federman	Partner	\$1,150.00	38.60	\$44,390.00
Tanner R. Hilton	Attorney	\$550.00	62.00	\$34,100.00
Lacrista Bagley	Paralegal	\$300.00	18.20	\$5,460.00
Frandelind Traylor	Law Clerk	\$300.00	4.80	\$1,440.00
TOTAL			123.6	\$85,390.00

CHESTNUT CAMBRONNE PA

Name	Title	Rate	Hours	Total
Bryan L. Bleichner	Shareholder	\$1,050.00	.5	\$525.00
Philip J. Krzeski	Partner	\$595-\$695	32.1	\$20,438.50
Gary Luloff	Partner	\$625	13.50	\$8,437.50
Charles Shafer	Associate	\$450-\$475	3.1	\$1,397.50
TOTAL			49.2	\$30,798.50

MILBERG COLEMAN BRYSON PHILLIPS GROSSMAN PLLC

Name	Title	Rate	Hours	Total
Gary M. Klinger	Senior Partner	\$948.00	14.5	\$13,746.00
David Lietz	Senior Partner	\$1057/\$1141	9.1	\$10,341.10
John Nelson	Partner	\$538/\$839	18.9	\$11,643.10
CJ Cuneo	Associate	\$948.00	14.0	\$13,272.00
Sandra Passanisi	Paralegal	\$225/\$239/\$258	2.8	\$675.50
Heather Sheflin	Paralegal	\$225/\$258	10.0	\$2,308.80
Ashley Tyrrell	Paralegal	\$208/\$239/\$258	5.7	\$1,261.90
TOTAL			75.0	\$53,248.40

26. The hourly rates charged by Class Counsel are reasonable, appropriate, and consistent with the rates charged for legal services in similar complex class action litigation such as this one.

27. This time does not include future time needed to prepare the motion for final approval, prepare for the final hearing, supervise the claims administration process, nor respond to Settlement Class Member inquiries. It is likely that class counsel's total lodestar in this case will be more than the requested fee by the conclusion of this matter.

Plaintiffs' Counsel's Costs

28. Additionally, included in Class Counsel's request for \$195,000 in attorneys' fees, we seek reimbursement of costs and expenses totaling \$3,461.30, consistent with the terms of the Settlement Agreement.

29. The costs and expenses were necessary for pursuing this litigation and include the cost of travel, case filing fees, service of process, *pro hac vice* admission fees, research fees, and copying and postage costs.

30. A summary of the expenses advanced in this litigation is set forth below:

Description	Expense
Copies	\$22.50
Filing Fees	\$1,780
Airfare	\$1,278.09
Pacer/Westlaw	\$375.21
Sharefile	\$5.50
TOTAL	\$3,461.30

31. Each firm represents that these costs were reasonably incurred in pursuing this litigation.

32. The costs and expenses advanced by Class Counsel were necessary to the successful prosecution of this case and were incurred by Class Counsel without any guarantee they would be reimbursed.

The Requested Service Awards are Reasonable

33. Finally, Plaintiffs seek service awards of \$2,000 each in recognition of their assistance in prosecuting and settling this Action. Plaintiffs provided information in advance of mediation and were available throughout the mediation and settlement process to answer questions and represent the interests of the Settlement Class. They were each prepared to take on the responsibilities of a class representative, including being deposed and testifying at trial.

[SIGNATURES ON NEXT PAGE]

I declare under penalty of perjury that the foregoing is true and correct.

Dated: June 27, 2025

Respectfully submitted,

/s/ John J. Nelson

John Nelson (admitted *pro hac vice*)
**MILBERG COLEMAN BRYSON
PHILLIPS GROSSMAN, PLLC**
280 S. Beverly Drive, Penthouse Suite
Beverly Hills, CA 90212
Telephone: (858) 209-6941
jnelson@milberg.com

Interim Liaison Counsel

/s/ Philip J. Krzeski

Philip J. Krzeski (admitted *pro hac vice*)
CHESTNUT CAMBRONNE PA
100 Washington Avenue South, Suite 1700
Minneapolis, MN 55401
Telephone: (612) 339-7300
pkzeski@chestnutcambronne.com

/s/ William B. Federman

William B. Federman (admitted *pro hac vice*)
FEDERMAN & SHERWOOD
10205 North Pennsylvania Avenue
Oklahoma City, OK 73120
Telephone: (405) 235-1560
-and-
212 W. Spring Valley Road
Richardson, TX 75081
Telephone: (405) 235-1560
wbf@federmanlaw.com

Interim Co-Lead Class Counsel